



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

July 9, 2004

Ms. Oneida M. Justice  
P.O. Box 232  
Bethany Beach, De 19930

RE: PLUS review – PLUS 2004-06-03 – Paul's Tree Service, Inc.

Dear Ms. Justice:

Thank you for meeting with State agency planners on June 23, 2004 to discuss the proposed plans for the rezoning of 2.67 located on Parker House Road from GR to C-1.

According to the information received, you own a total of approximately 2.80 acres consisting of two lots. The 2.15 acre parcel is currently zoned C-1 and you hope to rezone the 2.67 acre parcel because you intend to demolish and existing building and rebuild a large building which will be placed on a portion of both lots. It is our understanding that both lots are currently being used as a commercial business known as "Paul's Paving".

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

**Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090**

The Office of State Planning Coordination notes that this proposal is in the Investment Level 3 area of the draft 2004 *Strategies for State Policies and Spending*, where State policies support well-planned, phased development that is sensitive to its natural context.

We note that is application is to expand an existing business, but that the proposal is located in a primarily residential area across the street from a State wildlife area. For these reasons, we support the suggestion made by Richard Kautz of Sussex County Planning and Zoning that a conditional use might be a more appropriate means of expanding the existing business. Changing the zoning to C-1 would allow a wider array of uses that might be inconsistent with the character of the area.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

On March 31, 2004, DelDOT informed Sussex County that a traffic impact study would not be required for this rezoning application. That remains their position.

The Department recently completed a study of the Route 54 corridor and as a result of that study certain local roads will be improved. Parker House Road is one of those roads. The ultimate right-of-way for Parker House Road will be 70 feet wide (35 from centerline). Presently, there is no schedule for these improvements. However there is the opportunity now to dedicate or reserve the right-of-way for these improvements. Following are two options concerning the dedication or reservation:

- a. Dedicate the entire 35-feet of right-of-way from the centerline of Parker House Road and include the following note, "A 35' Wide Strip of Right-of-Way Is Hereby Dedicated To Public Use as Per This Plat".
- b. Dedicate 30-feet from the centerline of Parker House Road and reserve an additional 5-feet for future highway improvements to include the following note, "A 5' Wide Strip is Hereby Reserved for Future DelDOT Road Improvements". Also a note will need to be placed on the plans stating that no buildings, structures, trees, shrubs or fences shall be erected within the reserved area and that the building setback requirement along Parker House Road shall be marked from the reserved right-of-way line.

This site will generate less then 100 trips per day; therefore, Mr. Gemez W. Norwood, South District Entrance Permit Supervisor, will handle the entrance review and approval out of the DelDOT Georgetown office. Mr. Norwood may be reached at (302) 853-1340.

The applicant's engineer may contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding DelDOT's requirements with regard to the design of the site entrance and any related road improvements on Parker House Road. The State recognizes that the existing business has an entrance; however, with the proposed expansion you will need to obtain a new permit and DelDOT may require improvements to the entrance. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:  
Kevin Coyle 739-3091**

Because the proposed use is to replace an existing building with a larger building, many of the DNREC comments will not relate to the proposed changes. However, if the developed area on the site is expanded, you should be aware of the following:

**Soils**

According to the recent soil survey update, the soils in the vicinity of the proposed construction were mapped as Hammonton and Hurlock. Hammonton is a well-drained upland soil that has moderate limitations for development. Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

The soils found on this site contain mostly sandy surface and subsurface horizons. Sandy soils have rapid permeabilities with little or no phosphorus/nitrogen adsorption capacity, compared to finer-texture soils. Therefore, such soils are conducive to nutrient leaching via groundwater or surface runoff into receiving tributaries of the watershed; these impacts are intensified in those soils containing shallow water tables.

**Wetlands**

According to State Wetland Mapping Project (SWMP) mapping, no wetlands were mapped on subject site. However, the soil mapping update shows wetland associated (hydric) soils were mapped on over 50 percent of subject parcel. In order to resolve this mapping discrepancy, a wetlands delineation which is a review of the site to determine if wetlands are present and where, is highly recommended if additional buildings are planned for the future. Further, the applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated wetlands and/or watercourses.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they may be subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands.

**TMDLs**

Although Total Maximum Daily Loads (TMDLs) as a "pollution mitigative strategy" have been developed for most of the Inland Bays watershed, TMDL development is still pending for the Little Assawoman Bay sub watershed. Development of a strategy for this sub watershed is currently undergoing development and should be available in the near future.

It should be recognized that most waters of said watershed suffer from severe water quality impairments due to persistent runoff from agricultural operations, and unrelenting residential/commercial development pressures. Therefore, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce the degradative impacts associated with development and related activities.

### **ERES Waters**

This project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's “Surface Water Quality Standards” (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a “pollution control strategy” to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

### **Well Permits**

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

### **Stormwater Management**

Stormwater management is an integral part of the site development infrastructure. The planning and design for stormwater management should begin early. The applicant is encouraged to contact the Sussex Conservation District as soon in the planning process as possible in order to receive their preliminary comments. Contact Jessica Watson at (302) 856-7219.

### **Underground Storage Tanks**

There are no leaking underground storage tanks (LUST) sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

#### **State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696**

The State Fire Marshal's office has already been contacted and no further action is required at this time.

#### **Sussex County – Contact Richard Kautz 855-7878**

The applicant should verify the parcels and land areas involved in the request. The request states that 52.02 is the subject property but most of that parcel (2.15 acres) is presently zoned C-1. Based on the Charles L. Coffman II survey and County Tax records, it appears that the area involved includes 0.58 acres of 52.02; 1.39 acres of 52.00; and 0.516 acres of 52.01.

The GR district now includes a Conditional Use option which may be more appropriate for the proposed use. The conditional use would be limited to the proposed owner and use and could be conditioned to meet the needs of the applicant and the neighborhood. If approved as requested (at least 1.906 acres of C-1), there would be a total of almost 5 acres of C-1 zoning in a residential neighborhood and across from a protected wildlife area. Also, the application for rezoning must include the required Environmental Assessment and Public Facility Evaluation Report and Sketch Plan because the request is within the Environmentally Sensitive Development District and exceeds 75,000 square feet (1.72 ac). A copy of the guidelines for preparation of the report is attached.

This project is within the boundaries of the Miller Creek Sanitary Sewer District (MCSSD). The construction of the infrastructure of the MCSSD is scheduled to be complete by the end of March 2007. The number of EDU's allocated for this parcel is based on 4 EDU's per acre minus state wetlands. The density for this project cannot exceed 10 EDU's based on the Sussex County Engineering Department's assessment. This calculation is based on the current zoning of GR. There will be System Connection Charges due prior to connection. Also, connection to the MCSSD will be mandatory within one year of the system becoming operational. For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

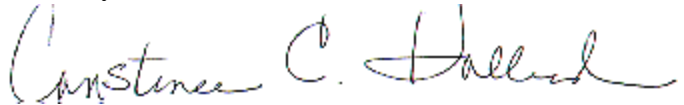
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**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP  
Director

CC: Sussex County